

**AMENDMENTS TO THE DRAWINGS**

A replacement version of Figure 10 is enclosed herewith.

**REMARKS**

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document submitted August 1, 2001.

Applicant thanks the Examiner for considering the reference cited with the *Information Disclosure Statement* filed May 5, 2004.

Applicant thanks the Examiner for withdrawing the December 16, 2004 *Restriction Requirement*, and for examining all of the pending claims 1-27.

**Status of the Application**

Claims 1-4, 6-20 and 22-32 are all the claims pending in the Application, as claims 28-32 are hereby added. Claims 1-27 stand rejected.

New claim 28 corresponds to original claim 23 rewritten in independent form to include the features of independent claim 1. New claims 29-32 correspond to original claims 24-27, rewritten to depend from new claim 28. As new claims 28-32 correspond to original claims, they are fully supported by the Application.

**Drawings**

The Examiner has objected to the drawings under 37 C.F.R. § 1.84(p)(5), alleging various informalities. Regarding the Examiner's objection to element S60 in FIG. 7, element S6 in FIG. 8, and the lack of element numbers in FIG. 10, Applicant hereby amends the specification and/or the Figures in a clarifying manner. Regarding the remaining objections, Applicant respectfully submits that elements 3, 5, S2-S8 and S30 are described at least once in the specification (e.g., see the descriptions of FIGS. 2 and 3), and that Applicant is not required to repetitively identify Figure elements each time they are used in similar Figures.

Nevertheless, to help clarify Applicant's intent, the specification is hereby amended to specify that “[s]imilar element numbers in the various Figures refer to similar elements.”

In view of the above, Applicant respectfully requests the withdrawal of the drawing objections.

**Specification Objection**

The Examiner has objected to the Specification because of parenthetical references to the claim set (numbered par. 2 of the O.A.). These parenthetical references are hereby deleted from the specification. Thus, withdrawal of this objection is respectfully requested.

**Claim Objections**

The Examiner has objected to claims 5, 6, 21 and 22 due to typographical errors, and to claims 23-27 for being in improper multiple dependent form. The errors noted by the Examiner are hereby corrected. Thus, withdrawal of the objection is respectfully requested.

**Enablement Rejection**

The Examiner has rejected claims 1-27 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner seems to be alleging that the “information delivery device” recited in these claims is not enabled by the Specification, as he states that there is no indication in the specification that a cell phone or computer could be used as the “information delivery device,” and that the specification fails to describe what type of information the “information delivery device” is able to transmit.

Applicant disagrees with the Examiner's characterization of the “information delivery device.” It has long been held that, “[a]s long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the

entire scope of the claim, then the enablement requirement of 35 U.S.C. 112 is satisfied.” *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970); MPEP § 2164.01(b).

In this case, the instant Application describes in detail the claimed “information delivery device.” For example, the 1<sup>st</sup> full paragraph on page 21 of the specification indicates that:

Contents of delivered information may be image information, which is typified by moving picture information and voice information. To be concrete, it is possible to employ an information storage and playback system for moving picture information delivery service such as movies by treating moving picture information, and for voice information delivery service such as music by treating voice information, for example. In these cases, it is assumed that an on-demand type high-capacity digital audio/video file server and so forth are used as the information delivery device 3.

Accordingly, contrary to the Examiner’s assertion, both the types of information stored on the “information delivery device,” and a physical embodiment of that device, are discussed in the instant Application.

Thus, the claimed “information delivery device” is enabled, and withdrawal of the rejection is respectfully requested.

#### **35 U.S.C. § 101 Rejection**

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter because they “deal with an electric wave and an electric wave going through a satellite” (O.A., pg. 5).

The Examiner’s reading of claims 11 and 12 is incorrect. Claims 11 and 12 do not claim an “electric wave.” Rather, these claims recite, *inter alia*, a means for communicating by electric wave. Thus, it is the “means” that is claimed, not the specific “electric wave.”

Thus, withdrawal of the rejection is respectfully requested.

**Anticipation and Obviousness Rejections**

The Examiner has rejected: (1) claims 1, 2, 5, 6, 13, 14, 17 and 18 under 35 U.S.C. § 102(a) as being anticipated by *KR 10-231402* (hereinafter “*KR ‘402*”); (2) claims 1-6 and 11-22 under 35 U.S.C. § 102(e) as being anticipated by *Ueda* (US 5,973,680; hereinafter “*Ueda*”); and (3) 7-10 under 35 U.S.C. § 103(a) as being unpatentable of *Ueda* and *Barton et al.* (US 6,233,389; hereinafter “*Barton*”). These rejections are respectfully traversed.

As an initial matter, the Examiner has repeatedly alleged that “Applicant has admitted that claimed device is easily achievable by design modification by one of ordinary skill in the art … [and] has made reference to the distinguishing characteristics of the device in the Information Disclosure Statement dated May 5, 2004” (e.g., O.A., pg. 6). This is simply incorrect. Applicant provided no comment regarding the reference submitted with the May 5, 2004 Information Disclosure Statement (“IDS”). Rather, Applicant provided an English language translation of the Korean Office Action, as clearly indicated on page 2 of the IDS. Thus, to the extent that the Examiner’s rejections are based on any alleged concessions by the Applicant, the rejections are incorrect on their face.

Second, as the Examiner notes, *KR ‘402* and *Ueda* are equivalents of each other. Thus, it is unclear why the Examiner has utilized both references in alternative rejections, rather than simply utilizing *Ueda*. Further, it is unclear why different claims are rejected in view of *KR ‘402* and *Ueda*.

**Independent Claims 1 and 17**

Applicant respectfully submits that *Ueda / KR ‘402* fails to teach or suggest that the partial information of the delivery information, “is renewed when necessary,” as recited in independent claims 1 and 17.

Specifically, while *Ueda*'s terminal 101 obtains motion picture codes from server 121 and stores the code in memory 105, there is no teaching or suggestion therein that these codes are ever "renewed." Rather, *Ueda* only discloses the simple storage and re-use of motion picture codes (after a search of these codes) when the desired video is again selected (col. 9, lines 47-57).

Independent Claims 2 and 18

Applicant respectfully submits that *Ueda / KR '402* fails to teach or suggest any "means of storing the remaining information of the partial information which has been chosen to be reproduced at the information storage and delivery device," as recited in independent claims 2 and 18.

Specifically, there is no teaching or suggestion that the "remaining portion" is stored anywhere in terminal 101. Rather, *Ueda*'s terminal 101 is directed to a system that streams the "remaining portion or the pertinent video ... transmitted to the terminal 101" (col. 9, lines 3-7).

Thus, Applicant respectfully submits that independent claims 1, 2, 17 and 18 are patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 3, 4, 6-16, 19, 20 and 22-27 are allowable, *at least* by virtue of their dependency, and that the secondary reference, *Barton*, fails to teach or suggest the features missing from the independent claims, as discussed above.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-4, 6-20 and 22-32 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-4, 6-20 and 22-32.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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